

ORIGINAL

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U.S. DISTRICT COURT  
DISTRICT OF IDAHO  
CLERK

Attorneys for Defendant  
KIRK GREGORY DENINO

UNITED STATES DISTRICT COURT  
DISTRICT OF IDAHO  
(HONORABLE EDWARD J. LODGE)

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KIRK GREGORY DENINO,

Defendant.

CR-04-189-S-EJL

AFFIDAVIT IN SUPPORT  
OF UNOPPOSED MOTION  
TO CONTINUE TRIAL

THOMAS MONAGHAN, being first duly sworn upon oath, deposes and says:

1. I am an attorney licensed to practice in the United States District Court for the District of Idaho. I have been a trial attorney with the Federal Defenders of Eastern Washington and Idaho since 1996.

2. I and my office were previously appointed to represent Mr. Denino in this matter.

3. To date, the government has been providing discovery in a timely fashion, in accordance with the court's standard Procedural Order. However, the discovery that has been received references various audio tape recordings that have not yet been copied for the defense. Furthermore, the discovery reveals that Mr. Denino has a history of mental health problems. The defense needs additional

1 time to conduct additional investigation in this case, which will include obtaining  
2 records from numerous mental health providers. This case will also likely require  
3 the defense to retain the services of an expert.

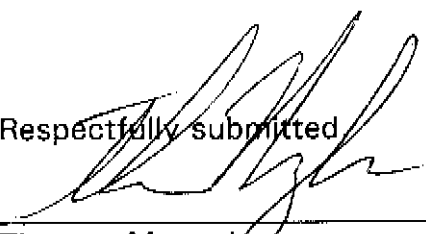
4 4. In connection with this request, I contacted counsel for the  
5 government. AUSA Lucoff advised that the government has no objection to Mr.  
6 Denino's request for a continuance.

7 5. I certify that this motion is brought in good faith and not for any  
8 purpose of improper delay. This is Mr. Denino's first request for a continuance.  
9 Mr. Denino understands his rights under the Speedy Trial Act, and he waives the  
10 same with respect to any continuance granted by this court in response to this  
11 motion. Furthermore, Mr. Denino understands that any continuance granted will  
12 constitute excludable time under the Speedy Trial Act.

13 Accordingly, Mr. Denino respectfully requests the court to continue his trial  
14 for no less than ninety (90) days. In addition, Mr. Denino respectfully requests the  
15 court to set a new deadline for the filing of any pretrial motions, as the defense  
16 investigation may provide information warranting the same. Defense counsel will  
17 advise the court immediately, should the parties reach a resolution that will avoid  
18 the need for trial.

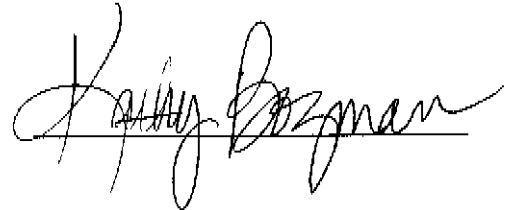
19 Dated: November 3, 2004.

20 Respectfully submitted

21   
22 Thomas Monaghan  
23 Federal Defenders of Eastern  
24 Washington and Idaho, Attorneys for  
KIRK GREGORY DENINO

CERTIFICATE OF SERVICE

I hereby certify that on this 3 day of November, 2004, I served a true and correct copy of the foregoing AFFIDAVIT IN SUPPORT OF UNOPPOSED MOTION TO CONTINUE TRIAL upon Aaron N. Lucoff, Asst. U.S. Attorney, MK Plaza, Plaza IV, 800 S. Park Blvd, Suite 600, Boise, ID 83712-9903, by U.S. Mail, postage prepaid

A handwritten signature in cursive script, appearing to read "Kelly Bozman", is written over a horizontal line.